



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2005-00102-J2

Issue Date: February 14, 2005

Expiration Date: March 7, 2005

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Amerada Hess Corporation
1 Hess Plaza
Woodbridge, New Jersey 07095-1229

ACTIVITY: Dredge approximately 550 cubic yards of sediment with upland disposal and no barge over flow to restore an existing berthing area to -40 feet below the plane of Mean Low Water.

WATERWAY: Kill Van Kull

LOCATION: City of Bayonne, Hudson County, New Jersey.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,
otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RW
PUBLIC NOTICE NO. 2005-00102-J2

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, that are either permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Based upon a review of the "Guide to Essential Fish Habitat Designations in the Northeastern United States," issued by the National Oceanic and Atmospheric Administration/National Marine Fisheries Service, the EFH for several aquatic species and their life stages in the proposed project area could potentially be impacted by the proposed work. Further consultation with National Marine Fisheries Service regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final decision on the application.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New Jersey the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Telephone Number (609) 633-2289. Comments regarding the applicant's certification should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: New Jersey Department of Environmental Protection Emergency Dredging Permit.

CENAN-OP-RW
PUBLIC NOTICE NO. 2005-00102-J2

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-0185 and ask for James H. Cannon.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

For/ [Signature]
Richard L. Tomer
Chief, Regulatory Branch

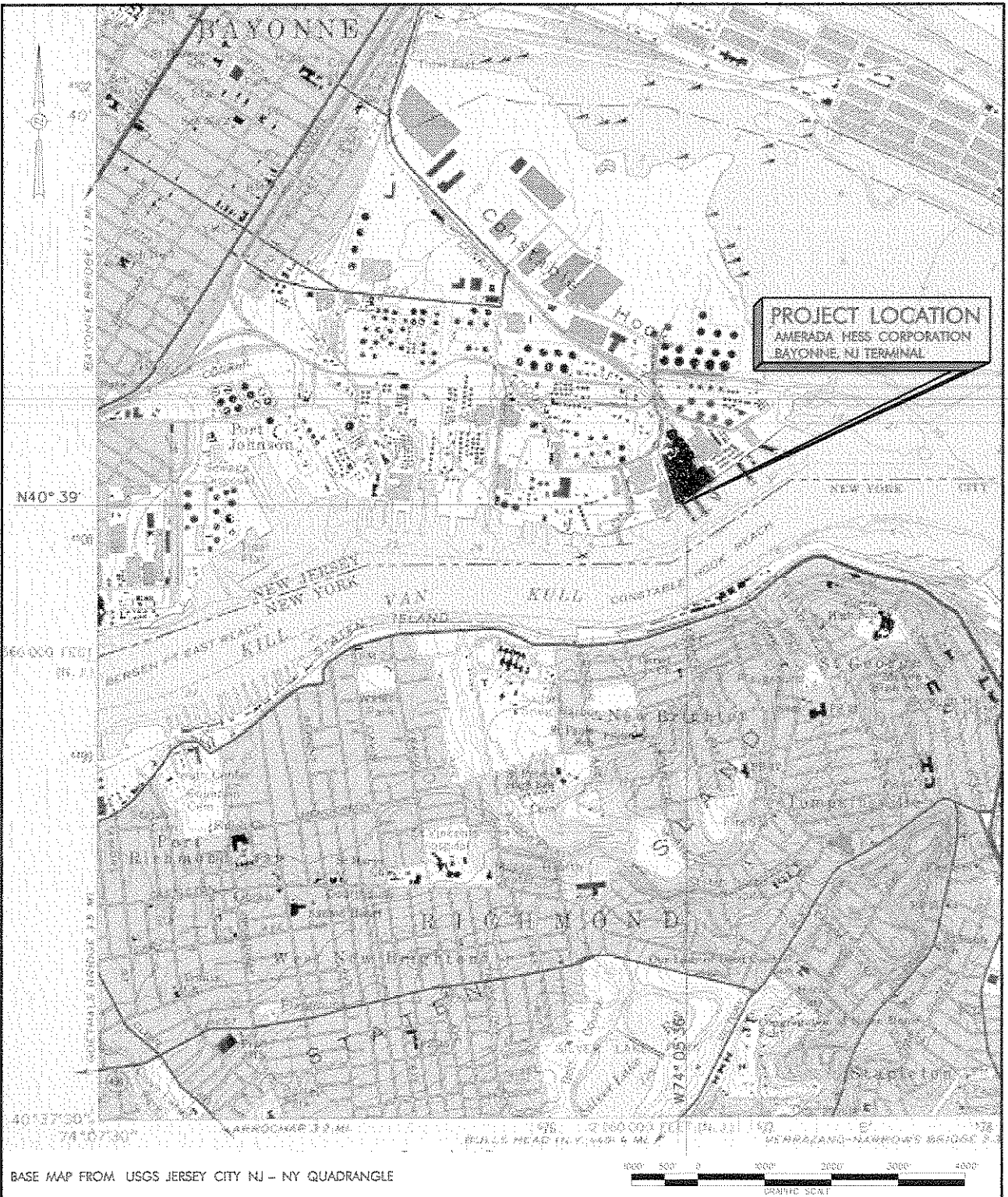
Enclosures

WORK DESCRIPTION

The applicant, Amerada Hess Corporation, has requested Department of the Army authorization to dredge approximately 550 cubic yards of sediment from an existing berthing area within the Kill Van Kull, in the City of Bayonne, Hudson County, New Jersey. The proposed activities would be located approximately 150 feet from the Federal Navigation Channel.

The applicant proposes to dredge approximately 550 cubic yards of sediment from a 250 foot long by 50 feet wide portion of an existing berthing area to re-establish the historical control depth of 40.0 feet below the plane of Mean Low Water (MLW). The sediment would be dredged using a closed clamshell bucket, with no barge overflow. Generally, dredged material would be retained within barges for a minimum of 24 hours prior to decanting the clear water from the scow back into the waterway. All dredged material would be processed by Clean Earth Dredging Technologies at their Jersey City processing facility in Bayonne, Hudson County, New Jersey, and disposed of at a State of New Jersey approved upland site.

The stated purpose of this project is to restore the depth of the existing berthing area to ensure safe navigation for vessels. A Department of the Army Permit (No. 14837) was previously issued to the applicant on May 11, 1988 to establish a berthing depth of 40.0 feet below the plane of MLW.



AMERADA HESS CORPORATION

1 HESS PLAZA, WOODBRIDGE, NJ

PROPOSED SHIP BERTH MAINTENANCE DREDGING
AT AMERADA HESS CORPORATION TERMINAL
CITY OF BAYONNE, HUDSON COUNTY, NJ
IN KILL VAN KULL
LOCATION PLAN SHEET 1 OF 2

PROJECT NO. BAYO/260288-1.DGN		A/E NO.	
SCALE	DRAWN BY	DATE	
GRAPHIC	A. SIRANIERO	10/20/03	
LOCATION		BAYONNE, NJ	
DRAWING NO.		REV.	
26-A-296-1		0	

